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August 1, 2018
U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009
Email: ICE-FOIA@dhs.gov
Fax: (202) 732-4265

To Whom It May Concern:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552 et seq., I request copies of **the code implementing the Risk Classification Assessment (RCA)** that is part of the Enforcement Integrated Database (EID) as of the fulfillment of this request.

Background:

The Risk Classification Assessment is a tool used by Immigrations and Customs Enforcement to evaluate criteria about an alien and generate detention or release recommendations. The Privacy Impact Assessment released on April 6, 2012 by ICE[1] stated that:

> The information ICE uses in the risk assessment process includes personally identifiable information (PII) about the alien and associated information such as criminal history; special vulnerabilities, such as disability or status as a crime victim; substance abuse history; immigration history and case status; ties to the community, including the length of time at current address, the number of family members residing with the alien, and property ownership; and authorization to work or enrollment in school.

In addition, the same report also noted that:

> When developing RCA, ICE created a methodology which incorporates the current ICE policies and guidance on detention decisions into a set of business rules. Information about the alien stored in EID will now be processed electronically through these business rules and a detention or release recommendation generated.

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[1] See:
https://www.dhs.gov/sites/default/files/publications/PIA%20EID%20Update%20for%20RCA_EARM%205_CES%202%202020120406%20FINAL%20%5BSigned%5D.pdf

Exhibit I

Further, it was reported widely in June that the RCA was changed last year so that it never recommends release, as per the requirements of the Executive Order.

> Previously, the tool automatically recommended either "detain" or "release." Last year, ICE spokesman [Matthew] Bourke said, the agency removed the "release" recommendation, but he noted that ICE personnel can override it.[2]

Details:

Thus, I seek the current implementation of the Risk Classification Assessment. I seek these records on behalf of BuzzFeed News and for the purpose of informing the public.

Under the FOIA Improvement Act of 2016, agencies may withhold information "only if . . . disclosure would harm an interest protected by an exemption" or if "disclosure is prohibited by law." **If it is your position that any portion of the requested records is exempt from disclosure, I request that you provide an index of those documents as required under Vaughn v. Rosen,** 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974).

If you withhold any of these records, I request as required by the FOIA that you **identify the reasonably foreseeable harm** that would result in the release of the records.

Because the release of this information is in the public interest, please waive any applicable duplication fees. The Risk Classification Assessment has been covered in multiple news reports, including Reuters, Quartz, and Vice. If you determine that fees will exceed $25, please inform me first. As I am making this request as a journalist and this information is of timely value, I would appreciate you communicating with me by telephone or electronic mail — listed above — rather than by postal mail.

I look forward to your reply within 20 business days, as the statute requires. Please let me know if there are any clarifications I can make to make this request easier and/or quicker to complete.

<div style="text-align:right">

Sincerely,

John Templon

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[2] As referenced in: https://www.reuters.com/investigates/special-report/usa-immigration-court/